

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 IO-11 EUR-12 SCA-01 PPT-01 VO-03

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01 SAM-01 OMB-01

AS-01 /088 W

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R 120900Z JAN 76

FM USLO PEKING

TO SECSTATE WASHDC 5012

INFO AMCONSUL HONG KONG

C O N F I D E N T I A L PEKING 0070

E.O.11652: GDS

TAGS: CGEN, PFOR, CH, US

SUBJECT: POSSIBILITY OF "PRO-FORMA B-2" ISSUANCE TO U.S. CITIZENSHIP
CLAIMANTS IN PRC

REF A) PEKING 57, B) PEKING 2116 (11/6/75), C) 9 FAM APPA
22CFR 41.25 NOTES 1.1 AND 1.2

1. SUMMARY: BASED ON USLO'S OWN EXPERIENCE WITH US-
PRC DUAL NATIONALS AND ON TALKS WITH OTHER MISSIONS IN
PEKING, USLO BELIEVES PRC IS NOT LIKELY
TO ALLOW INDIVIDUALS WHOM IT CONSIDERS TO BE PRC NATIONALS TO DEPART
ON US PASSPORTS. THIS TELEGRAM PROPOSES ADOPTION OF
"PRO-FORMA B-2" PROCEDURE AND OFFERS PRELIMINARY SUGGES-
TIONS ON MECHANICS OF THIS APPROACH. END SUMMARY.

ACTION REQUESTED: DEPT'S COMMENTS ON SUGGESTED APPROACH.

2. IN COURSE OF JANUARY 8 CONVERSATION WITH NEW ZEALAND
ADMIN-CONSULAR ATTACHE R.S. STRAIGHT (REFTEL A), STRAIGHT
MENTIONED PROBLEM NEW ZEALAND HAD A FEW YEARS AGO WITH
UN REFUGEE PROGRAM FOR ETHNIC RUSSIAN APPLICANTS IN
PRC. AFTER SEVERAL MONTHS DELAY, THE MFA INFORMED
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THE NEW ZEALAND EMBASSY THAT IT COULD NOT ALLOW THE

APPLICANTS TO LEAVE THE PRC ON THE UN REFUGEE PASSPORTS THEY HAD BEEN ISSUED. THE APPLICANTS WERE RESIDENTS OF THE PRC, AND ENJOYED BENEFITS AND OBLIGATIONS EQUIVALENT TO THOSE OF PRC CITIZENS. THEY WERE THEREFORE NOT 'REFUGEES' AND THE PRC WOULD NOT RECOGNIZE THE UN DOCUMENT. THE MFA ADVISED THE NEW ZEALAND EMBASSY THAT THE APPLICANTS WERE, HOWEVER, FREE TO APPLY FOR PRC TRAVEL DOCUMENTS. THE EMBASSY THEREUPON ADVISED ITS APPLICANTS TO APPLY FOR PRC TRAVEL DOCUMENTS (PROBABLY STATELESS PERSONS PASSPORTS), WHICH WERE IMMEDIATELY GRANTED, AND THEY DEPARTED THE PRC ON THESE DOCUMENTS.

3. STRAIGHT, WHO HAS BEEN IN PEKING TWO YEARS AND IS DUE FOR TRANSFER SHORTLY, AGREED WITH USLO OFFICER'S ASSESSMENT THAT PRC IS EXTREMELY TOUCHY ABOUT ALLOWING ANYONE WHOM IT CONSIDERS A PRC CITIZEN TO LEAVE THE COUNTRY ON ANYTHING BUT A PRC TRAVEL DOCUMENT, BUT THAT THIS APPEARS TO BE MORE A QUESTION OF FORM AND PRINCIPLE THAN A RIGID IMPEDIMENT TO EMIGRATION. THE CANADIANS ALSO SHARE THIS VIEW (REFTEL B).

4. SINCE USLO AND MFA NOW APPEAR TO HAVE RESOLVED MAJOR QUESTIONS OF PRINCIPLE IN PROCEDURES FOR VISITORS VISA APPLICANTS, USLO BELIEVES IT MIGHT BE PRODUCTIVE TO CONSIDER ADOPTING THE "PRO-FORMA B-2" PROCEDURES OUTLINED IN 9 FAM (REF C) TO FACILITATE DEPARTURE FROM PRC OF US CITIZENSHIP CLAIMANTS WHOSE PASSPORT APPLICATIONS HAVE BEEN APPROVED.

5. MECHANICS, AS WE SEE THEM PRELIMINARILY, WOULD INVOLVE SEEKING CONFIRMATION FROM MFA THAT IN PRINCIPLE US-PRC DUAL NATIONALS WERE FREE TO APPLY FOR PRC TRAVEL DOCUMENTS. USLO WOULD THEN ADVISE PASSPORT APPLICANTS WHOSE CITIZENSHIP CLAIM HAD BEEN ESTABLISHED TO APPLY FOR PRC TRAVEL DOCUMENTS (PASSPORT, EXIT PERMIT, OR STATELESS PERSON'S PASSPORT) THROUGH NORMAL CHANNELS FOR SUBMISSION TO USLO. AT SAME TIME, USLO WOULD SEND NOTE TO MFA REQUESTING ASSISTANCE IN ARRANGING FOR ISSUANCE OF PRC TRAVEL DOCUMENT TO FACILITATE APPLI-

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CANT'S TRAVEL TO US. AT TIME OF US VISA ISSUANCE, USLO COULD EITHER ADVISE INDIVIDUALS TO CALL AT CONGEN HONG KONG, EMBASSY TOKYO, OR EMBASSY PARIS (DEPENDING ON ITINERARY) ON WAY TO US, OR ALTERNATIVELY, ADVISE US-BOUND CARRIER THROUGH APPROPRIATE U.S. MISSION AT POINT WHERE HE CHANGES PLANES FOR US, THAT INDIVIDUAL'S VISA WOULD NOT BE HONORED AT US PORT OF ENTRY AND THAT HE SHOULD BE TOLD TO CALL AT THE MISSION. LATTER ALTERNA-

TIVE LOOKS PREFERABLE, AS IT WOULD AVOID POSSIBLE EMBROILMENT WITH MFA OVER QUESTION OF WHY WE WERE ASKING PRC NATIONAL TO CALL AT A U.S. DIPLOMATIC MISSION AFTER HE HAD LEFT PRC. BEFORE DEPARTURE FROM PRC, WE WOULD ADVISE INDIVIDUAL THAT HE MUST FOLLOW HIS SUBMITTED ITINERARY EXACTLY, OR INFORM NEAREST U.S. DIPLOMATIC MISSION OF ANY CHANGES.

6. USLO DOES NOT KNOW WHETHER THE "PRO-FORMA B-2" MODALITY WILL BE ANY MORE SUCCESSFUL THAN THE PRESENT PROCEDURE OF REQUESTING MFA ASSISTANCE IN ARRANGING FOR THE INDIVIDUAL TO VISIT USLO "TO DISCUSS THE QUESTION OF HIS CITIZENSHIP." BUT SINCE THIS LATTER PROCEDURE HAS PRODUCED NO RESULTS IN THE FOUR CASES IN WHICH IT HAS BEEN USED, WE THINK THE "PRO-FORMA B-2" APPROACH IS WORTH TRYING, AS A MEANS TO CIRCUMVENT THE PROBLEMS SO FAR IDENTIFIED IN THE MATTER OF US-PRC DUAL NATIONALS RESIDING IN THE PRC.

7. DEPARTMENT'S THOUGHTS ON THIS SUGGESTED APPROACH WOULD BE APPRECIATED.
THAYER

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